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6 · · Evening Journal, Wilmington, Del., Friday, February 18, 1977

Biden to McCree: Oppose Busing If You Want My Vote

From the Washington Bureau

WASHINGTON — Sen. Joseph R. Biden Jr. yesterday said he'll oppose President Carter's choice for solicitor general unless he gets a firm commitment against busing in northern Delaware.

"I want to be absolutely sure," Biden said, that the new solicitor general "fully endorses the trend that is developing that the use of forced busing . . . should be severely curtailed."

Carter this week tapped as solicitor general Wade H. McCree, a federal appellate judge who participated in a landmark desegregation ruling that ordered busing in Detroit and its suburbs. The decision later was overturned by the Supreme Court.

McCree, a black who grew up in Tennessee and now lives in Detroit, voted with the majority in the 4-3 decision that ordered the Detroit busing.

"By his vote in that case," said Biden, "it would appear that McCree is a strong advocate of busing. If that is so, he would appear to be in direct conflict with his boss," Atty. Gen. Griffin B. Bell.

McCree, reached at his office in Detroit, said he has "never expressed" a position on busing and does not intend to while he remains on the federal court.

"I'm sure you will recognize the impropriety" of discussing the issue publicly," while I am still a member of the court and there are cases before the court," McCree said.

McCree said he has "no awareness" of the Delaware busing case other than what he has read in newspapers "but I intend to become intensely aware of it" if confirmed as solicitor general.

He said he has not discussed the busing issue with the attorney general.

The attorney general has said he favors busing only as "a last resort" in school desegregation cases and has interpreted recent Supreme Court decisions to mean that limited busing is now "the law of the land."

Biden yesterday agreed with Bell's interpretation of a high court decision in a recent Texas case to mean that busing cannot be ordered unless "there was a deliberate intent to segregate."

Delaware's Democratic senator said he was "tremendously encouraged" by that decision because in the Wilmington case, "there was no deliberate intent to segregate by our legislators."

The solicitor general, who holds the No. 3 spot in the Justice Department, must represent the federal government before the Supreme Court.

"If I cannot be assured by Judge McCree that he will uniformly adhere to the recent Supreme Court decisions and the stated policy of the attorney general, then I will vote not to confirm him," Biden said.

Biden last week was switched to the Senate Judiciary Committee, which must consider McCree's confirmation. Committee hearings on the nomination have not been scheduled yet.

"One of the reasons I asked to join the Judiciary Committee," Biden said, "was so that I could work more closely with the attorney general and solicitor general and thereby put a stop to busing."

Republican Gov. Pierre S. du Pont IV sent a telegram to Biden this week urging him to "rigorously scrutinize" McCree's busing position.

Du Pont, during his final year in Congress, joined Biden and Delaware's Republican senator, William V. Roth Jr., in persuading the Justice Department to intervene on behalf of the antibusing forces appealing the Delaware decision.

The intervention came in the form of a brief, filed with the Supreme Court by former Solicitor General Robert H. Bork, arguing that the U.S. District Court went too far in mandating racial balance in each northern Delaware school.

The chairman of the U.S. Civil Rights Commission, Arthur S. Flemming, this week said he would urge McCree either to withdraw the government's intervention from the Delaware appeal or to switch to a pro-busing position.

"In light of the new solicitor general's background, there is a good possibility it will happen," Flemming said. "We will make sure it [the Delaware case] is on his agenda."

Biden, meanwhile, also issued a blast at this week's Civil Rights Commission report that called metropolitan busing a "must" if inner-city children are to receive equal educational opportunity.

The report is "dead wrong," Biden said, in its conclusions that metropolitan desegregation is administratively feasible, would not require excessive busing and would "maximize prospects" for better education.

"Multidistrict busing in New Castle County would result in administrative chaos and excessive busing," the senator said. "In light of this disruption, it is hard to see how educational gains could result.

"Nobody is more committed to equal educational opportunity than I," said Biden, "but busing is not the way. It was a bad idea in theory, and it has turned out to be even worse in practice."

'Fleece' Awarded Prison Study On 'Why Escape?'

WASHINGTON (AP) — Sen. William Proxmire, D-Wis., is giving his February "golden fleece of the month" award to the Law Enforcement Assistance Administration for spending nearly $27,000 "to determine why inmates want to escape from prison."

"This study is a crime," Proxmire said, charging waste of tax dollars when "it should be obvious to one and all why someone in jail wants to get out."

An LEAA spokesman said the study, paid for from federal funds, was commissioned by the state of North Carolina to gain information on how to classify offenders to reduce the number of escapes, particularly from minimum security prisons.

Proxmire said results of the study are suspect because the findings rely heavily on responses of inmates to a questionnaire.

"I can't for the life of me imagine why prisoners anywhere would want to help their captors keep them in captivity."

Teen in Crash Fracas Fined on Lesser Count

A Canby Park man, charged with driving under the influence of alcohol and disregarding a stop sign Oct. 31, was found guilty of reckless driving in Municipal Court yesterday.

Joseph Kupchinski, 18, was convicted of the lesser offense after Judge Leonard Williams ruled a chemical test taken at the scene of the accident was inadmissible in court. According to Richard Galperin of the city solicitor's office, after hearing legal arguments, Williams ruled Kupchinski was not arrested at the scene, but later at the police station.

As a result, Galperin explained, no evidence obtained before that arrest was considered in court. Williams found the remaining evidence sufficient only to find Kupchinski guilty of reckless driving, Galperin said.

Kupchinski, son of a Wilmington police sergeant, was fined $100 plus costs.

The daughter of a Wilmington police lieutenant, 17-year-old Vanessa Filippone of W. 2nd Street, was hospitalized with head injuries after the accident, but has since been released. She was driving another car.

Two other court actions also grew out of the crash at 2nd and Union Sts. that night.

In the first, a passenger in Kupchinski's car, Alexander Lux, 23, of the 300 block Colonial Ave., was charged with spitting on an officer at the scene of the accident, and kicking out the window of a police car.

Lux was convicted in Municipal Court and sentenced Jan. 5 to a fine of $125 and a 60-day suspended jail sentence, a year's probation. He had faced charges of resisting arrest, offensive touching and criminal mischief.

A passing lawyer, David Roseberg, 28, of the 2200 block Patterson Drive, Wynwood, was charged with resisting police when he tried to stop two officers from "subduing" Lux.

Roseberg appeared in Municipal Court, explained that he was only trying to protect Lux's rights and was acquitted.

Besides Kupchinski, Lux and Miss Filippone, three others were slightly hurt in the accident.

Staff Photo by Lee S. Watkins

Sundown at a Job Site

Silhouetted against the setting sun, a workman watches as a dump truck tilts skyward with the day's last load at a construction site at the corner of Del. 141 and the Concord Pike.

Ex-Gov. Carvel Calls the Death Penalty Sheer 'Vengeance'

By WILLIAM P. FRANK
and JOHN H. TAYLOR JR.

DOVER — Former Gov. Elbert N. Carvel returned to a public forum last night to explain why he risked personal fortune and political popularity in 1961 to oppose the death penalty in Delaware.

"I am a Christian and a civilized person," Carvel told about 100 men and women who attended a panel discussion on the proposed capital punishment laws now pending in the General Assembly.

"Let's stop wreaking vengeance on other people," he said. "The capital punishment law in the past has not been applied uniformly."

The panel discussion was held at the Kent County campus of the Delaware Technical and Community College, north of Dover. Carvel was an hour late because, as he apologized, "I couldn't find this place."

Other panelists were Atty. Gen. Richard R. Wier Jr., and Robert G. Carey, a Wilmington lawyer and former vice chairman of the Delaware Agency to Reduce Crime. Delaware has abolished the death penalty in 1958 when J. Caleb Boggs was governor. However, the General Assembly moved to restore it late in 1961, when Carvel was governor.

Carvel vetoed the death penalty bill but the General Assembly passed it over his veto.

The former governor recalled how he had been opposed by many people who had been dealing with his fertilizer company in Sussex County when he stood against the restoration of the death penalty.

During his discussion last night, Carvel urged a movement to deal with the violence on television and concluded, "Let's try to be civilized."

Wier, author of one of the capital punishment bills in the General Assembly, SB. 28 — strongly defended the death penalty, and said his proposal would meet constitutional standards.

Wier said he favors reinstatement of the death penalty "not because the streets are overrun with murderers, but because, perhaps tomorrow, a cold-blooded killer may strike, and equal justice will not be done."

Delaware's death penalty was declared unconstitutional last year by the Delaware Supreme Court. The state court's ruling was based on a U.S. Supreme Court finding that death penalty laws of other states — laws similar to Delaware's statute — were unconstitutional.

Wier said he believes there are crimes "so heinous that they require the ultimate penalty — death." He quoted a U.S. Supreme Court decision that said retribution was a valid reason for imposing the death penalty.

Carey repeated the arguments made at a similar session last week. The death penalty, Carey said, is a response to emotion, not reason, and it is a response "grounded in hatred."

Addressing the racism issue, Carvel said that more than half of those on the nation's Death Rows are black, although blacks comprise less than a fifth of the U.S. population. He also said that since 1930, 3,860 people have been executed, 54 per cent of them black.

Carey, who also headed the Delaware Agency to Reduce Crime, said that, statistically, execution is no deterrent to murder. And he said he finds it ironic that many of those who support capital punishment as a deterrent oppose efforts to enact gun control legislation, which he said would help reduce crime.

NAMES IN THE NEWS

Henry Kissinger will become a special consultant for world affairs with the National Broadcasting Co. starting in July.

According to a five-year agreement with NBC, Kissinger will appear in one television special annually and on an undetermined number of interview programs.

"One criticism of television news in the past is that it is too superficial," said NBC President **Herbert Schlosser**. "This will give us a chance to improve our coverage of foreign affairs."

Neither NBC nor the agent of the vacationing former secretary of state would discuss financial terms.

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This year's **Harry S. Truman** Public Service Award will go to former Vice President Hubert Humphrey, says Independence, Mo. Mayor **Richard King**.

The Democratic senator from Minnesota will receive the award May 6 during ceremonies on the steps of the Truman Library and Museum at Independence.

"I think the purpose of this award is really to honor someone who has made an impact on government in the United States and in so doing has exemplified the qualities that made Harry S. Truman a great president," King Thursday. "Sen. Humphrey certainly fills that bill."

Previous winners of the award are Henry Kissinger, former secretary of state; Leon Jaworski, former Watergate special prosecutor, and Stuart Symington, former Missouri senator.

Can the daughter of the governor of Texas find happiness in Buckingham Palace with Prince Charles, heir to the British throne?

Cole Briscoe, 20, and a student at Southern Methodist University in Dallas, doesn't want to talk about it.

Despite being linked with Prince Charles in print, she said she has never met him. A story in London's Daily Mirror cited Cole, daughter of Gov. and Mrs. **Dolph Briscoe**, as one of several "blue-blooded heiresses" Charles should consider as his possible mate.

* * *

A skull unearthed in West Berlin in 1973 is definitely that of **Martin Bormann**, Adolf Hitler's top aide, says a professor of anatomy and oral biology at UCLA.

Dr. **Reidar Sognnaes** reported to the American Academy of Forensic Sciences that he has matched the skull "tooth by tooth and crown by crown" to Bormann's dental charts.

"In my view, the evidence is completely adequate that Bormann is dead — that he died in 1945, in March, presumably by suicide, in Berlin," Sognnaes told the Academy.

AP Wirephoto

Pennsylvania Adjutant Gen. **Harry Mier**, in the midst of a controversy over his personal use of military aircraft, resigned yesterday. "The interests of those under my command are paramount and I have concluded that I cannot permit the effectiveness, pride and morale of the Pennsylvania National Guard to be adversely affected," **Mier said in his letter of resignation, which takes effect March 31. Justice Department and FBI investigations continue into allegations that Mier, 56, used military aircraft to take personal trips to Florida and Labrador and to pick up furniture in Germany and his pet dog in South Carolina.**

* * *

"I have far more concordant points between the before-death record and the after-death record than would be necessary for a definitive identification — even in an insurance case," he said.

Bormann was last seen alive near a Berlin railway station in March 1945 as allied troops were entering the city. Searchers at that time concluded he had escaped. Nazi hunters have long searched in South America and Scandinavia for Bormann.

Air hero **Jimmy Doolittle** is trying to raise $1 million for the **Charles A. Lindbergh** Memorial Fund to provide fellowships to foster study in fields which interested Lindbergh, such as aviation and conservation.

"The purpose of the fund is to do honor to Charles A. Lindbergh on the 50th anniversary of his epic flight," Doolittle said yesterday in San Francisco.

The fund, headquartered in New York, plans to begin awarding fellowships to students and others in May 1978, using the income from donations. May 21 is the 50th anniversary of Lindbergh's pioneering trans-Atlantic solo flight.

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Former Treasury Secretary **William Simon**, following in **Ronald Reagan's** footsteps, has signed a contract to record radio commentary programs to be aired beginning March 21.

Simon has signed with the producer who records and distributes Reagan's daily radio show in Los Angeles. And the public relations firm which handles Reagan's newspaper columns and speaking tours is arranging a similar business for Simon.

Simon's plans were announced yesterday by **Pete Hannaford**, a public relations executive who worked as an aide to Reagan when he was governor of California.

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David Kennedy, 21-year-old son of the late **Sen. Robert Kennedy**, has been fined $20 after pleading guilty to two motor vehicle violations.

Kennedy was charged by Arlington, Mass., police with failing to stop at a stop sign, operating a motor vehicle without a license in his possession and operating an unregistered and uninsured motor vehicle.

He was found innocent of two other motor vehicle charges yesterday by **Judge Lawrence Feloney** in Cambridge District Court.

The Harvard University student was charged after allegedly failing to stop at an intersection shortly after 1 a.m. on Jan. 21. He pleaded guilty to the first two charges and was fined $10 on each. He was found innocent of the other charges after his lawyer, John Driscoll of Boston, presented documentation the vehicle was properly registered and insured in Virginia.

David Buller, 13, of Albany, Ore., is afraid his $1-a-day job may be drying up.

David is paid by the federal government to take a level measurement in the drought-stricken Willamette River. He works about 10 minutes a day.

Before Feb. 2, the U.S. Geological Survey gathered river level information from its automatic telemetry recording system a few yards from the back door of the Bullers' riverfront restaurant.

But because the level of the Willamette has fallen below the automatic sensors, the government has had to fall back on the old-fashioned method of determining the level by hand.

Every day after school David hikes up to the Ellsworth Bridge and lowers a wire weight gauge into the water.

He said he's worried about the drought, but likes the chance to earn some extra money.

"When this job dries up," he said, "I'll wait tables again for my folks."

* * *

H.R. Haldeman, White House chief of staff during the Nixon administration, has declared in a copyrighted interview he asked persons seeking a pardon for him in the closing days of the Ford administration to "discontinue their efforts."

The interview appeared in the Political Animal, a Los Angeles-based weekly newsletter.

"I did not believe lobbying was the way to handle the pardon issue," said Haldeman, convicted in the Watergate coverup case. "The President had to make the decision himself."

Former President **Gerald R. Ford** left office Jan. 20 without pardoning Haldeman or any of the others convicted in the Watergate case. Haldeman's conviction is being appealed.

In the closing weeks of the administration, there had been reports of efforts being made with Ford to get pardons. The reports were spurred when Ford dined with Chicago millionaire **W. Clement Stone**, a defender of some former Nixon staff members who were involved in the scandals.

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